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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

2009 OCT 23 AM 10:43  
CLERK OF COURT  
FEDERAL BUILDING  
SAN FRANCISCO, CALIF.

10  
11 ALEXANDER STERN,  
12 Plaintiff,

13 v.

14 SONY CORPORATION OF  
15 AMERICA,  
16 SONY COMPUTER  
17 ENTERTAINMENT AMERICA,  
18 INC.,  
19 SONY ONLINE  
20 ENTERTAINMENT LLC, and  
21 DOES 1 through 10 inclusive,  
22 Defendants.

CASE NO.:

CV09-7710

PA (FFM)

COMPLAINT FOR DAMAGES,  
DECLARATORY AND INJUNCTIVE  
RELIEF

DEMAND FOR JURY TRIAL

23 Plaintiff complains of Defendant and alleges herein as follows:

24 JURISDICTION

- 25 1. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C.  
26 § 1331 and 42 U.S.C. § 12188, for Plaintiff's claims arising under the  
27 Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq.  
28

- 1 2. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367, over  
2 Plaintiff's pendent claim under the California Unruh Civil Rights Act  
3 (California Civil Code §§ 51, et seq.).  
4

5 **INTRODUCTION**  
6

- 7 3. This action seeks to redress and put an end to systemic civil rights violations  
8 committed by Defendants Sony Corporation of America, Sony Computer  
9 Entertainment America, Inc., Sony Online Entertainment LLC, and DOES 1  
10 through 100 inclusive, (hereinafter collectively referred to as "Sony") against  
11 Plaintiff. Throughout the United States, Sony is denying persons with  
12 disabilities (including but not limited to Plaintiff) equal access to the goods  
13 and services Sony provides to its non-disabled customers through each and all  
14 of Sony's computer game software products and each and every upgrade,  
15 sequel, so-called "patch", and so-called "expansion" for same (hereinafter  
16 collectively referred to as the "Products"). The virtual and interactive  
17 environments of the Products constitute a substantial segment of the growing  
18 recreational, therapeutic, entertainment, financial, social and informational  
19 software industry (hereinafter, collectively referred to as the "Gaming  
20 Platforms"). Although Plaintiff has sent postal mail addressed to the president  
21 of Defendant Sony Online Entertainment LLC and has sent multiple  
22 electronic mails requesting reasonable modifications to the Products, Sony  
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1 has refused to reply to Plaintiff. Sony has made no attempt to grant said  
2 reasonable modification requests or engage in any interactive process  
3 whatsoever with Plaintiff to explore removal of access barriers for plaintiff  
4 and other people with disabilities with respect to the Products. When Plaintiff  
5 attempted to discuss proposed modifications through the appropriate Sony  
6 designee, as indicated by Sony, the representative stated Sony would not offer  
7 any modifications whatsoever for persons with disabilities. Said  
8 representative refused to engage in an interactive process relating to proposed  
9 modifications and refused to provide any alternative means or personnel for  
10 Plaintiff to use or contact to attempt same. Sony thus excluded and continues  
11 to exclude Plaintiff from full and equal participation in the Gaming Platforms.  
12  
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15

### 16 VENUE

- 17
- 18 4. Venue is proper in the Central District pursuant to 28 U.S.C. §§ 1391(b)-(c).
  - 19 5. Sony is registered to do business in California and has been doing business in  
20 California, including the Central District of California. It is subject to  
21 personal jurisdiction in this District. Defendant also has been and is  
22 committing the acts alleged herein in the Central District of California, has  
23 been and is violating the rights of Plaintiff in the Central District of  
24 California, and has been and is causing injury to Plaintiff in the Central  
25  
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1 District of California. A substantial part of the acts and omissions giving rise  
2 to Plaintiff's claims have occurred in the Central District of California.

- 3  
4 6. Plaintiff is a California citizen and resides in the Central District of  
5 California. He has experienced injury in this District as a result of Sony's  
6 inaccessible Products and willful refusal to engage in any effort to render  
7 same accessible.  
8

9  
10 **PARTIES**

- 11 7. Plaintiff is an individual with multiple learning disabilities. He has been  
12 denied the full use and enjoyment of the Products. Plaintiff is a resident of  
13 Los Angeles County.  
14  
15 8. Defendant Sony Corporation of America is a corporation organized and  
16 existing under the laws of the State of Delaware, with its principal place of  
17 business at 550 Madison Avenue, New York, New York 10022. Sony  
18 Corporation of America may be served with process by serving its registered  
19 agent, The Corporation Trust Company at Corporation Trust Center, 1209  
20 Orange, Street, Wilmington, Delaware 19801.  
21  
22 9. Defendant Sony Computer Entertainment America Inc. is a corporation  
23 organized and existing under the laws of the State of Delaware, with its  
24 principal place of business at 919 East Hillsdale Boulevard, Second Floor,  
25 Legal Department, Foster City, California 94404. Sony Computer  
26  
27  
28

1 Entertainment America Inc. may be served with process by serving its  
2 registered agent, Corporation Service Company d/b/a CSC-Lawyers  
3 Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas  
4 78701.  
5

6 10. Defendant Sony Online Entertainment LLC is a limited liability company  
7 organized and existing under the laws of the State of Delaware, with its  
8 principal place of business at 8928 Terman Court, San Diego, California  
9 92121. Sony Online Entertainment LLC may be served with process by  
10 serving its registered agent, The Prentice-Hall Corporation System, Inc., at  
11 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.  
12

13 11. The Products provide the public with recreational, therapeutic, entertainment,  
14 financial, social and informational opportunities. Many of the Products  
15 require monthly fees which fund constant upgrades and the facilitation of  
16 communicating and associating with a network of fellow users of the  
17 Products. The Products are sold in physical form in many stores across  
18 California as well as over the Internet. Plaintiff seeks full and equal access to  
19 the goods and services provided by Sony through the Products.  
20

21 12. Plaintiff does not presently know the true names and capacities of the  
22 Defendants sued herein as DOES 1 through 100, inclusive. Plaintiff will seek  
23 leave of court to amend this complaint to allege said Defendants' true names  
24 and capacities as soon as Plaintiff ascertains them.  
25  
26  
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28

**FACTS**

13. Sony develops, operates and sells the Products.

14. The Products are goods, services, facilities, privileges, advantages, or accommodations offered to the public by Sony.

15. Through contractual, licensing, or other arrangements, the Products are offered throughout California and the United States in so-called brick and mortar and Internet retail establishments which are public accommodations (hereinafter "Stores").

16. Sony manages events across the United States based on and in connection with some or all of the Products (hereinafter "Events").

17. Events are public accommodations.

18. Participation in Events affects the benefits and content comprising some of the Products.

19. This complaint arises out of Sony's policy and practice of denying the disabled access to the Products. Due to Sony's failure and refusal to remove disability-related access barriers to the Products Plaintiff has been and continues to be denied equal access to the Products.

20. Sony has failed to so much as reply to Plaintiff's postal mail and electronic mail and has completely disregarded Plaintiff's multiple requests for Sony to

1 participate in an interactive process with Plaintiff to attempt to facilitate  
2 reasonable modifications to the Products.

3  
4 21. Sony has no process in place to address the removal of barriers for persons  
5 with disabilities.

6 22. The sole generic user communication process provided by Sony through  
7 which anyone, disabled or non-disabled, could attempt to request or suggest  
8 any kind of modification or otherwise address any type of user issues  
9 concerning the Products requires the individual(s) to accept a contract  
10 waiving his or her rights to a trial by jury and requiring mandatory binding  
11 arbitration, a change in venue as well as other similarly onerous provisions  
12 and which otherwise constitutes a contract of adhesion. Plaintiff has not  
13 undertaken to use this generic process because he does not wish to forgo his  
14 constitutional right to a trial by jury for the sole purpose of helping Sony  
15 come into compliance with applicable law.  
16

17 23. Sony denies persons with visual disabilities, including Plaintiff, access to the  
18 Products by preventing them from freely navigating the Gaming Platforms.  
19

20 24. The distribution of Interactive virtual games over the Internet has become a  
21 multi-billion dollar industry. Game products can cost as much as \$60 for the  
22 original cd-rom package and related subscription fees are collected  
23 indefinitely thereafter for typically \$15.00 per subscriber per month.  
24  
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1 Upgrades, sequels, and so-called "expansions" also cost as much as \$60 per  
2 cd-rom package.

3  
4 25. Persons with disabilities impairing visual processing, including Plaintiff, can  
5 navigate complex virtual environments with the assistance of visual cues that  
6 point the user in the direction of the desired destination (hereinafter "Visual  
7 Cues").  
8

9 26. The most successful game product in the virtual game world industry, World  
10 of Warcraft by Vivendi, supports access by people disabled by visual and/or  
11 visual processing impairments by providing Visual Cues through several  
12 simple third party modifications released free of charge by hobbyists and  
13 promoted by Vivendi as disability aids.  
14  
15

16 27. Many companies whose resources pale in comparison with Sony's have  
17 successfully implemented a wide array of accessibility features into their  
18 game products. One such example of games with superior accessibility is Pin  
19 Interactive's game product called Terraformers. Terraformers has accessibility  
20 functionality such as:  
21

22 A) A mechanism similar to a Global Positioning System (GPS) which  
23 provides a description of the area the player is currently in. A high contrast  
24 3D mode is available for game-users with reduced vision. One mechanism  
25 uses sound to provide the position of the closest object in the area the player's  
26 character is oriented toward. Voice feedback identifies the type of object;  
27  
28

1 B) A "sound compass" indicates the direction that the player's character is  
2 facing at any time within the game. Furthermore, the player can use a numeric  
3 keypad to change the character's direction; and  
4

5 C) The virtual items a player has collected within the game can be narrated  
6 with voiced feedback and sound effects. There are other types of accessible  
7 feedback mechanisms available as the player performs other activities.  
8

9  
10 28. As a result of Sony's willful refusal to provide Visual Cues in the Products,  
11 Plaintiff is unable to fully enjoy the vast amounts of content comprising the  
12 Products, by virtue of being unable to locate friends, characters and items  
13 across the Gaming Platforms.  
14

15 29. The Products rival traditional sports games as mechanisms by which youth  
16 and adults alike can build and maintain self-esteem, relationships,  
17 interpersonal skills, collaborative skills and leadership skills.  
18

19 30. A survey conducted by Information Solutions Group on behalf of PopCap  
20 Games and published through Reuters in June 2008 indicates that "compared  
21 to the casual gamer population as a whole (which industry estimates peg at  
22 300 million to 400 million players worldwide), those with disabilities play  
23 more frequently, for more hours per week, and for longer periods of time per  
24 gaming session. They also report that they experience more significant  
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1 benefits from playing and view their game-playing activity as a more  
2 important factor in their lives than do non-disabled consumers.”

3  
4 31.Using the Products can generate substantial financial rewards for the user(s).

5 32.Sony offers an auction service whereby participants can buy and sell virtual  
6 items used in the Gaming Platforms with real world currency. Auctioned  
7 virtual items can be worth thousands of U.S. dollars.

8  
9 33.Due to the inaccessibility of the Products, disabled Sony customers, and those  
10 who would otherwise be customers but for the access barriers, experience  
11 direct economic and non-economic losses.

12  
13 34.The Products thus contain disabled accessibility barriers which Sony has  
14 willfully refused to address despite Plaintiff's multiple requests to do so,  
15 thereby denying full and equal access to Plaintiff, who would otherwise use  
16 the Products and who would otherwise be able to fully and equally enjoy the  
17 benefits and services of same.  
18

19  
20 **FIRST CAUSE OF ACTION**

21 (Violation of California Civil Code §§ 51, et seq. – the Unruh Civil  
22 Rights Act)  
23

24 35.Plaintiff incorporates by reference the foregoing allegations as though fully  
25 set forth herein.  
26  
27  
28

1 36. California Civil Code §§ 51, et seq. guarantees equal access for people with  
2 disabilities to the accommodations, advantages, facilities, privileges and  
3 services of all business establishments of any kind whatsoever. Sony is  
4 systematically violating the Unruh Civil Rights Act, California Civil Code §§  
5 51, et seq.  
6

7  
8 37. Sony is a "business establishment" within the meaning of California Civil  
9 Code §§ 51, et seq. Sony generates billions of dollars in revenue in California.  
10 The Products are goods, services, facilities, privileges, advantages, or  
11 accommodations provided by Sony and the Stores which are inaccessible to  
12 Plaintiff. Sony is violating the Unruh Civil Rights Act, California Civil Code  
13 §§ 51, et seq., in that Sony is denying Plaintiff any modification or  
14 communication whatsoever to afford him accessibility to the Products. These  
15 violations are ongoing.  
16  
17

18  
19 38. Sony's actions constitute intentional discrimination against Plaintiff on the  
20 basis of a disability in violation of the Unruh Civil Rights Act, California  
21 Civil Code §§ 51 et seq., in that: Sony has constructed the Products in a way  
22 that is inaccessible to Plaintiff; maintains the Products in this inaccessible  
23 form; and has failed to take any action whatsoever to correct these barriers  
24 even after being repeatedly notified of the discrimination that such barriers  
25 cause.  
26  
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28

1 39. Sony is also violating the Unruh Civil Rights Act, California Civil Code § 51,  
2 in that the conduct alleged herein constitutes a violation of various provisions  
3 of the Americans with Disabilities Act (hereinafter "ADA"), 42 U.S.C. §§  
4 12101, et seq., as set forth above. California Civil Code § 51(f) provides that  
5 a violation of the right of any individual under the ADA shall also constitute a  
6 violation of the Unruh Civil Rights Act.  
7

8  
9 40. The actions of Defendant were and are in violation of the Unruh Civil Rights  
10 Act, California Civil Code §§ 51, et seq., and therefore Plaintiff is entitled to  
11 injunctive relief remedying the discrimination.  
12

13 41. Plaintiff is also entitled to statutory minimum damages pursuant to California  
14 Civil Code § 52 for each and every offense.  
15

16 42. Plaintiff is also entitled to reasonable attorneys' fees and costs.  
17

18 WHEREFORE, Plaintiff requests relief as set forth below.

19 **SECOND CAUSE OF ACTION**

20 (Violation of 42 U.S.C. §§ 12181, et seq. – Title III of the Americans  
21 with Disabilities Act)  
22

23 43. Plaintiff incorporates by reference the foregoing allegations as if set forth  
24 fully herein.  
25

26 44. Section 302(a) of Title III of the Americans with Disabilities Act of 1990, 42  
27 U.S.C. §§ 12101 et seq., provides:  
28

1 No individual shall be discriminated against on the basis of disability in the  
2 full and equal enjoyment of the goods, services, facilities, privileges,  
3 advantages, or accommodations of any place of public accommodation by any  
4 person who owns, leases (or leases to), or operates a place of public  
5 accommodation.  
6

7  
8 45. Section 302(b)(i) of Title III of the Americans with Disabilities Act of 1990,  
9 42 U.S.C. §§ 12101 et seq., provides:

10 It shall be discriminatory to subject an individual or class of individuals on  
11 the basis of a disability or disabilities of such individual or class, directly, or  
12 through contractual, licensing, or other arrangements, to a denial of the  
13 opportunity of the individual or class to participate in or benefit from the  
14 goods, services, facilities, privileges, advantages, or accommodations of an  
15 entity.  
16  
17

18  
19 46. Section 302(b)(ii) of Title III of the Americans with Disabilities Act of 1990,  
20 42 U.S.C. §§ 12101 et seq., provides:

21 It shall be discriminatory to afford an individual or class of individuals, on the  
22 basis of a disability or disabilities of such individual or class, directly, or  
23 through contractual, licensing, or other arrangements with the opportunity to  
24 participate in or benefit from a good, service, facility, privilege, advantage, or  
25 accommodation that is not equal to that afforded to other individuals.  
26  
27  
28

1 47. The Stores are sales establishments and public accommodations within the  
2 definition of Title III of the ADA. 42 U.S.C. §§12181(7)(E). The Products are  
3 goods, services, facilities, privileges, advantages, or accommodations of the  
4 Stores.  
5

6 48. Under Section 302(b)(1) of Title III of the ADA, it is unlawful discrimination  
7 to deny individuals with disabilities or a class of individuals with disabilities  
8 the opportunity to participate in or benefit from the goods, services, facilities,  
9 privileges, advantages, or accommodations of an entity.  
10

11 49. Under Section 302(b)(1) of Title III of the ADA, it is unlawful discrimination  
12 to deny individuals with disabilities or a class of individuals with disabilities  
13 an opportunity to participate in or benefit from the goods, services, facilities,  
14 privileges, advantages, or accommodation, which is equal to the opportunities  
15 afforded to other individuals.  
16

17 50. Under Section 302(b)(2) of Title III of the ADA, unlawful discrimination also  
18 includes, among other things:  
19 a failure to make reasonable modifications in policies, practices, or  
20 procedures, when such modifications are necessary to afford such goods,  
21 services, facilities, privileges, advantages, or accommodations to individuals  
22 with disabilities, unless the entity can demonstrate that making such  
23 modifications would fundamentally alter the nature of such goods, services,  
24 facilities, privileges, advantages, or accommodations; and  
25  
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1 a failure to take such steps as may be necessary to ensure that no individual  
2 with a disability is excluded, denied services, segregated or otherwise treated  
3 differently than other individuals because of the absence of auxiliary aids and  
4 services, unless the entity can demonstrate that taking such steps would  
5 fundamentally alter the nature of the good, service, facility, privilege,  
6 advantage, or accommodation being offered or would result in an undue  
7 burden;  
8  
9

10 51. The acts alleged herein constitute violations of Title III of the Americans with  
11 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations  
12 promulgated thereunder. Patrons of the Stores who are disabled have been  
13 denied full and equal access to the Products, have not been provided services  
14 that are provided to other patrons who are not disabled, and/or have been  
15 provided services that are inferior to the services provided to non-disabled  
16 patrons. Sony has failed to take any steps whatsoever to remedy its  
17 discriminatory conduct against Plaintiff. These violations are ongoing.  
18  
19  
20

21 WHEREFORE, Pursuant to 42 U.S.C. § 12188 and the remedies,  
22 procedures, and rights set forth and incorporated therein Plaintiff requests  
23 relief as set forth below.  
24

25 **THIRD CAUSE OF ACTION**

26 (Declaratory Relief)  
27  
28

1 52.Plaintiff incorporates by reference the foregoing allegations as if set forth  
2 fully herein.

3  
4 53.An actual controversy has arisen and now exists between the parties in that  
5 Plaintiff contends, and is informed and believes that Sony denies, that the  
6 Products, which Sony owns, operates, and/or controls, fails to comply with  
7 applicable laws including, but not limited to Title III of the Americans with  
8 Disabilities Act, 42 U.S.C. §§ 12181, et seq. and the Unruh Civil Rights Act,  
9 California Civil Code §§ 51, et seq. prohibiting discrimination against the  
10 disabled.  
11  
12

13 54.A judicial declaration is necessary and appropriate at this time in order that  
14 each of the parties may know their respective rights and duties and act  
15 accordingly.  
16

17 WHEREFORE, Plaintiff requests relief as set forth below.

18  
19 **RELIEF REQUESTED**

20 WHEREFORE, Plaintiff prays for judgment as follows:

- 21  
22 1. A preliminary and permanent injunction to prohibit Sony from violating the  
23 Americans with Disabilities Act, 42 U.S.C. §§ 12181, et seq. and California  
24 Civil Code §§ 51, et seq.;
- 25  
26 2. A preliminary and permanent injunction requiring Sony to take the steps  
27 necessary to make the Products readily accessible to and usable by Plaintiff;  
28

- 1 3. A declaration that Sony is owning, maintaining and/or operating the Products
- 2 in a manner which discriminates against the disabled and which fails to
- 3 provide access for persons with disabilities as required by law;
- 4
- 5 4. Damages in an amount to be determined by proof, including but not limited to
- 6 all applicable statutory damages;
- 7
- 8 5. For exemplary and punitive damages in an amount to be determined by proof;
- 9
- 10 6. Plaintiff's reasonable attorneys' fees, expenses, and costs of suit as provided
- 11 by law;
- 12
- 13 7. For pre-judgment interest to the extent permitted by law; and
- 14
- 15 8. Such other and further relief as the Court deems just and proper.

#### 16 **JURY DEMAND**

17 Pursuant to Federal Rule of Civil Procedure, Rule 38(b), Plaintiff  
18 demands a jury trial of all triable issues.  
19  
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1  
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4 DATE: October 16, 2009

BY: 

5 ANDREW R. STERN  
6 Attorney for Plaintiff ALEXANDER  
7 STERN  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Percy Anderson and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

**CV09 - 7710 PA (FFMx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:  
Andrew R. Stern  
31659 Sea Level Dr.  
Malibu, CA 90265

COPY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ALEXANDER STERN

CASE NUMBER

PLAINTIFF(S)

CV09-7710 PA (FFMx)

v.

SONY CORPORATION OF AMERICA, SONY  
COMPUTER ENTERTAINMENT AMERICA, INC.,  
SONY ONLINE ENTERTAINMENT LLC,  
DOES 1 through 10, inclusive, DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): SONY CORPORATION OF AMERICA, SONY COMPUTER  
ENTERTAINMENT AMERICA, INC., SONY ONLINE ENTERTAINMENT LLC

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Andrew R. Stern, whose address is 31659 Sea Level Dr., Malibu, CA 90265. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 23 OCT 2009

By: SHEA BOURGEOIS

Deputy Clerk

(Seal of the Court)  
**SEAL**

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Stern, Alexander, L		<b>DEFENDANTS</b> SONY CORPORATION OF AMERICA, SONY COMPUTER ENTERTAINMENT AMERICA, INC., SONY ONLINE ENTERTAINMENT LLC,  and DOES 1 through 100 inclusive,	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Andrew R. Stern 31659 Sea Level Dr., Malibu, CA 90265 Phone: (310) 457-1723		Attorneys (If Known)	

  

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;">Citizen of This State</td> <td style="width:10%; border: none;">PTF</td> <td style="width:10%; border: none;">DEF</td> <td style="width:40%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none;">PTF</td> <td style="width:10%; border: none;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding    
 ☐ 2 Removed from State Court    
 ☐ 3 Remanded from Appellate Court    
 ☐ 4 Reinstated or Reopened    
 ☐ 5 Transferred from another district (specify):    
 ☐ 6 Multi-District Litigation    
 ☐ 7 Appeal to District Judge from Magistrate Judge

  

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes    ☒ No    
 **MONEY DEMANDED IN COMPLAINT: \$** To be determined at trial

  

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 42 U.S.C. §§ 12101, et seq., Discrimination on the basis of disability

  

VII. NATURE OF SUIT (Place an X in one box only.)					
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input checked="" type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Mateo San Diego New York

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** *Ellen Page* Date October 22, 2009

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))